

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Gary K. Michelson, M.D.)
Serial No.: (Cont. of 10/098,991)) (Group Art Unit: 3731)
Filed: March 16, 2004) (Examiner: Unknown)
For: SKELETAL PLATING SYSTEM)

MS PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with the above-referenced application.

Copies of the listed documents were previously cited in a prior application, Serial No. 10/098,991, filed March 15, 2002; Serial No. 09/669,912, filed September 26, 2000 (now U.S. Patent No. 6,383,186); or Serial No. 09/022,344, filed February 11, 1998 (now U.S. Patent No. 6,139,550); upon which applicant relies for the benefits provided in 35 U.S.C. § 120. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the

documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.


Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: March 16, 2004

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Substitute for FORM PTO-1449	Attorney Docket Number 101.0058-03000	Customer No. 22882		
INFORMATION DISCLOSURE CITATION IN AN APPLICATION	Applicant Gary K. Michelson	Application Number (Cont. of 10/098,991)		
<i>(Use several sheets if necessary)</i> Sheet <u>1</u> of <u>2</u>	Filing Date March 16, 2004	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Group Art Unit (3731)</td> <td style="width: 50%;">Examiner (Unknown)</td> </tr> </table>	Group Art Unit (3731)	Examiner (Unknown)
Group Art Unit (3731)	Examiner (Unknown)			

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	Des. 402,032	12/1998	Stone			
	Des. 406,646	03/1999	Stone			
	Re. 31,628	07/1984	Allgower et al.			
	1,105,105	07/1'914	Sherman			
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	4,651,724	03/1987	Berentey et al.			
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FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	DE 4409833	10/1995	Germany			Abstract Only
	DE 4414781	11/1995	Germany			U.S. Equivalent US 5,662,652
	WO 94 26193	11/1994	WIPO			N/A
	WO 95 35067	12/1995	WIPO			N/A
	WO 96 08206	03/1996	WIPO			N/A

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	European Search Report for EP 98 904937; date completed June 21, 2001.
	European Search Report for EP 98 906158; date completed June 26, 2001.
	Advertisement for Codman Anterior Cervical Plate System by Codman; Johnson & Johnson; Professional, Inc.; undated.
	AESCULAP Scientific Information Booklet; <u>Anterior Cervical Fusion and Interbody Stabilization with the Trapezial Osteosynthetic Plate Technique</u> by Wolfhard Casper; 2/86.
	Article from Plastic and Reconstructive Surgery; <u>Comparison of Compression and Torque Measurements of Self-Tapping and Pretapped Screws</u> by John T. Phillips, M.D., F.R.C.S. (C), and Berton A. Rahn, M.D., D.D.S.; 3/89.
	Article from The Journal of Prosthetic Dentistry; <u>Bone-implant interface structures after nontapping and tapping insertion of screw-type titanium alloy endosseous implants</u> by Keiichi Satomi, D.D.S.; Yasumasa Akagawa, D.D.S., Ph.D.; and Hiroshima Tsuru, D.D.S., Ph.D.; 3/88; Volume 59, No. 3.
	Brochure by SYNTHES Spine for <u>Cervical Spine Locking Plate</u> ; 1991.
	ORION Brochure; <u>Anterior Cervical Plate System, Surgical Technique</u> , as described by Gary L. Lowery, M.D., Ph.D.; 1996.
	CODMAN Brochure; <u>Anterior Cervical Plate System</u> ; 9/95.

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.